

Calendar No. 273

103D CONGRESS
1ST SESSION

S. 1182

[Report No. 103-172]

A BILL

To amend the Arms Control and Disarmament Act to strengthen the Arms Control and Disarmament Agency and to improve congressional oversight of the activities of the Agency.

NOVEMBER 5 (legislative day, NOVEMBER 2), 1993

Reported with an amendment

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IN THE SENATE OF THE UNITED STATES

JUNE 30, 1993

Mr. PELL (for himself and Mr. SIMON) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

NOVEMBER 5 (legislative day, NOVEMBER 2), 1993

Reported by Mr. PELL, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To amend the Arms Control and Disarmament Act to strengthen the Arms Control and Disarmament Agency and to improve congressional oversight of the activities of the Agency.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; REFERENCES IN ACT; TABLE OF**
 2 **CONTENTS.**

3 (a) **SHORT TITLE.**—This Act may be cited as the
 4 “Arms Control and Nonproliferation Act of 1993”.

5 (b) **REFERENCES IN ACT.**—Except as specifically
 6 provided in this Act, whenever in this Act an amendment
 7 or repeal is expressed as an amendment to or repeal of
 8 a provision, the reference shall be deemed to be made to
 9 the Arms Control and Disarmament Act.

10 (c) **TABLE OF CONTENTS.**—The table of contents for
 11 this Act is as follows:

- Sec. 1. Short title; references in Act; table of contents.
- Sec. 2. Congressional declarations; purpose.
- Sec. 3. Purposes.
- Sec. 4. Definitions.
- Sec. 5. Repeals.
- Sec. 6. Director.
- Sec. 7. Bureaus, offices, and divisions.
- Sec. 8. Presidential special representatives.
- Sec. 9. Policy formulation.
- Sec. 10. Negotiation management.
- Sec. 11. Report on measures to coordinate research and development.
- Sec. 12. Negotiating records.
- Sec. 13. Verification of compliance.
- Sec. 14. Role of ACDA with respect to dual-use exports.
- Sec. 15. Authorities with respect to nonproliferation matters.
- Sec. 16. Appointment and compensation of personnel.
- Sec. 17. Security requirements.
- Sec. 18. Annual report to Congress; authorization of appropriations.

12 **SEC. 2. CONGRESSIONAL DECLARATIONS; PURPOSE.**

13 (a) **CONGRESSIONAL DECLARATIONS.**—The Congress
 14 declares that—

15 (1) a fundamental goal of the United States,
 16 particularly in the wake of the highly turbulent and
 17 uncertain international situation fostered by the end

1 of the Cold War, the disintegration of the Soviet
2 Union and the resulting emergence of fifteen new
3 independent states, and the revolutionary changes in
4 the Eastern Europe, is to reduce and control the
5 large numbers of nuclear and chemical weapons in
6 the former Soviet Union and, more generally, to pre-
7 vent the proliferation of weapons of mass destruction
8 and of high-technology conventional armaments as
9 well as to prevent regional conflicts and conventional
10 arms races; and

11 (2) an ultimate goal of the United States con-
12 tinues to be a world in which the use of force is sub-
13 ordinated to the rule of law and international change
14 is achieved peacefully without the danger and bur-
15 den of destabilizing and costly armaments.

16 (b) PURPOSE.—The purpose of this Act is—

17 (1) to strengthen the United States Arms Con-
18 trol and Disarmament Agency; and

19 (2) to improve congressional oversight of the
20 arms control, nonproliferation, and disarmament ac-
21 tivities of the United States Arms Control and Dis-
22 armament Agency.

23 **SEC. 3. PURPOSES.**

24 Section 2 (22 U.S.C. 2551) is amended in the text
25 following the third undesignated paragraph by striking

1 paragraphs (a), (b), (c), and (d) and by inserting the fol-
2 lowing new paragraphs:

3 “(1) The formulation, conduct, support, and co-
4 ordination of United States arms control policy, ne-
5 negotiations, and implementation for:

6 “(2) The formulation, conduct, support, and co-
7 ordination of United States nonproliferation policy,
8 negotiations, and implementation for:

9 “(3) The conduct, support, and coordination of
10 research for arms control and nonproliferation pol-
11 icy.

12 “(4) The preparation for, operation of, support
13 for, and direction of the United States support for
14 or participation in such verification or control sys-
15 tems as may be required by arms control or non-
16 proliferation agreements or such verification or con-
17 trol systems that may otherwise become part of
18 United States arms control or nonproliferation ac-
19 tivities.

20 “(5) The dissemination and coordination of
21 public information concerning arms control and non-
22 proliferation.”.

23 **SEC. 4. DEFINITIONS.**

24 Section 3 (22 U.S.C. 2552) is amended to read as
25 follows:

1 “DEFINITIONS

2 “SEC. 3. As used in this Act—

3 “(1) the term ‘Agency’ means the United States
4 Arms Control and Disarmament Agency;

5 “(2) the term ‘agreement’ means any bilateral
6 or multilateral legally-binding international agree-
7 ment, political agreement or understanding, or coop-
8 erative security arrangement, such as a confidence-
9 and security-building measure;

10 “(3) the term ‘arms control’ means the limita-
11 tion, reduction, elimination, or verification (including
12 on-site inspection) of armed forces or armaments of
13 all types by agreement and includes all matters re-
14 lating to disarmament;

15 “(4) the term ‘Government agency’ means any
16 executive department, commission, agency, independ-
17 ent establishment, corporation wholly or partly
18 owned by the United States which is an instrumen-
19 tality of the United States, or any board, bureau, di-
20 vision, service, office, officer, authority, administra-
21 tion, or other establishment in the executive branch
22 of Government; and

23 “(5) the term ‘nonproliferation’ means any
24 agreement, program, policy, or action to prevent, im-
25 pede, limit, or discourage nations or subnational

1 groups from acquiring, developing, testing, produc-
2 ing, or exporting weapons of mass destruction and
3 their delivery systems, or advanced conventional
4 weapons or advanced military capabilities, as well as
5 any agreement, program, policy, or action to induce
6 nations or subnational groups not to retain such
7 weapons, capabilities, or delivery systems.”.

8 **SEC. 5. REPEALS.**

9 The following provisions of law are hereby repealed:

10 (1) Section 26 (22 U.S.C. 2566), relating to the
11 General Advisory Committee.

12 (2) Section 36 (22 U.S.C. 2578), relating to
13 arms control impact information and analysis.

14 (3) Section 38 (22 U.S.C. 2578), relating to re-
15 ports on Standing Consultative Commission activi-
16 ties.

17 (4) Section 52 (22 U.S.C. 2592), relating to re-
18 ports on adherence to and compliance with agree-
19 ments.

20 (5) Section 906 of the National Defense Au-
21 thorization Act, Fiscal Year 1989 (22 U.S.C.
22 2592b), relating to an annual report on arms control
23 strategy.

24 (6) Section 1002 of the Department of Defense
25 Authorization Act, 1986 (22 U.S.C. 2592a), relating

1 to an annual report on Soviet compliance with arms
2 control commitments.

3 **SEC. 6. DIRECTOR.**

4 Section 22 (22 U.S.C. 2562) is amended to read as
5 follows:

6 “DIRECTOR

7 “Sec. 22. (a) APPOINTMENT.—The Agency shall be
8 headed by a Director appointed by the President, by and
9 with the advice and consent of the Senate. No person serv-
10 ing on active duty as a commissioned officer of the Armed
11 Forces of the United States may be appointed Director.

12 “(b) DUTIES.—(1) The Director shall serve as the
13 principal adviser to the President and other executive
14 branch Government officials on matters relating to arms
15 control and nonproliferation. In carrying out his duties
16 under this Act, the Director shall have primary respon-
17 sibility within the Government for matters relating to
18 arms control and nonproliferation.

19 “(2) The Director shall attend all meetings of the Na-
20 tional Security Council involving weapons procurement,
21 arms sales, consideration of the defense budget, and all
22 arms control and nonproliferation matters.

23 “(3) The Director shall carry out his duties under
24 the direction of the President and subject to the foreign
25 policy guidance of the Secretary of State.”.

1 **SEC. 7. BUREAUS, OFFICES, AND DIVISIONS.**

2 Section 25 (~~22 U.S.C. 2565~~) is amended to read as
3 follows:

4 **~~“SEC. 25. BUREAUS, OFFICES, AND DIVISIONS.~~**

5 ~~“The Director may establish within the Agency such~~
6 ~~bureaus, offices, and divisions as he may determine to be~~
7 ~~necessary to discharge his responsibilities pursuant to this~~
8 ~~Act, including a bureau of intelligence and information~~
9 ~~support and an office to perform legal services for the~~
10 ~~Agency.”.~~

11 **SEC. 8. PRESIDENTIAL SPECIAL REPRESENTATIVES.**

12 (a) Sections 27 and 28 (~~22 U.S.C. 2567, 2568~~) are
13 redesignated as sections 26 and 27, respectively.

14 (b) Section 26 (as redesignated by subsection (a)) is
15 amended to read as follows:

16 ~~“PRESIDENTIAL SPECIAL REPRESENTATIVES~~

17 ~~“SEC. 26. The President may appoint, by and with~~
18 ~~the advice and consent of the Senate, Special Representa-~~
19 ~~tives of the President for Arms Control and Nonprolifera-~~
20 ~~tion. Each Presidential Special Representative shall hold~~
21 ~~the personal rank of ambassador. Presidential Special~~
22 ~~Representatives shall perform their duties and exercise~~
23 ~~their powers under direction of the President, acting~~
24 ~~through the Director. The Agency shall be the Govern-~~
25 ~~ment agency responsible for providing administrative sup-~~

1 port, including funding, staff, and office space, to all Pres-
 2 idential Special Representatives.”.

3 **SEC. 9. POLICY FORMULATION.**

4 Section 33 (22 U.S.C. 2573) is amended to read as
 5 follows:

6 “POLICY FORMULATION

7 “SEC. 33. (a) FORMULATION.—The Director shall
 8 prepare for the President, and the heads of such other
 9 Government agencies as the President may determine, rec-
 10 ommendations and guidance concerning United States
 11 arms control and nonproliferation policy.

12 “(b) PROHIBITION.—No action shall be taken pursu-
 13 ant to this or any other Act that would obligate the United
 14 States to reduce or limit the Armed Forces or armaments
 15 of the United States in a militarily significant manner,
 16 except pursuant to the treaty-making power of the Presi-
 17 dent set forth in Article II, Section 2, Clause 2 of the
 18 Constitution or unless authorized by the enactment of fur-
 19 ther affirmative legislation by the Congress of the United
 20 States.”.

21 **SEC. 10. NEGOTIATION MANAGEMENT.**

22 Section 34 (22 U.S.C. 2574) is amended to read as
 23 follows:

24 “NEGOTIATION MANAGEMENT

25 “SEC. 34. The Director, under the direction of the
 26 President, shall have primary responsibility for the prepa-

1 ration, conduct, and management of United States partici-
2 pation in all international negotiations and implementa-
3 tion fora in the fields of arms control and nonproliferation.
4 In furtherance of this responsibility—

5 “(1) the Director shall have primary respon-
6 sibility for the preparation, formulation, support, co-
7 ordination, and transmission of instructions and
8 guidance for all such negotiations and fora, and
9 shall manage interagency groups established within
10 the executive branch of Government to support such
11 negotiations and fora;

12 “(2) all United States Government representa-
13 tives, whether or not Special Representatives under
14 section 26, who are conducting negotiations or act-
15 ing pursuant to agreements in the fields of arms
16 control or nonproliferation shall perform their duties
17 and exercise their powers, under the direction of the
18 President, acting through the Director; and

19 “(3) Special Representatives of the President
20 for Nonproliferation, established pursuant to section
21 26, shall, acting under the direction of the President
22 and through the Director, serve as the United States
23 Government representatives to international organi-
24 zations relating to the field of nonproliferation, in-
25 cluding the International Atomic Energy Agency, the

1 Missile Technology Control Regime, the Nuclear
 2 Suppliers Group, and the Australia Group with re-
 3 spect to chemical weapons, as well as perform other
 4 duties and exercise other powers as the President or
 5 Director may prescribe.”.

6 **SEC. 11. REPORT ON MEASURES TO COORDINATE RE-**
 7 **SEARCH AND DEVELOPMENT.**

8 Not later than March 31, 1994, the President shall
 9 submit to the Congress a report prepared by the Director
 10 of the United States Arms Control and Disarmament
 11 Agency, in coordination with the Secretary of State, the
 12 Secretary of Defense, the Secretary of Energy, the Chair-
 13 man of the Joint Chiefs of Staff, and the Director of
 14 Central Intelligence with respect to the procedures estab-
 15 lished pursuant to section 35 of the Arms Control and
 16 Disarmament Act (22 U.S.C. 2575) for the effective co-
 17 ordination of research and development on arms control
 18 and disarmament among all departments and agencies of
 19 the executive branch of Government.

20 **SEC. 12. NEGOTIATING RECORDS.**

21 ~~(a) IN GENERAL.~~—The Arms Control and Disar-
 22 mament Act is amended by inserting after section 35 the
 23 following:

24 “NEGOTIATING RECORDS

25 “SEC. 36. (a) PREPARATION OF RECORDS.—The Di-
 26 rector shall establish a permanent unit within the Agency

1 that shall be responsible for organizing and maintaining
2 a negotiating and implementation record for each arms
3 control or nonproliferation agreement to which the United
4 States is a participating state and which was under nego-
5 tiation or in force on or after January 1, 1990.

6 “(b) CONTENTS OF RECORDS.—Each such negotiat-
7 ing and implementation record shall be comprehensive and
8 detailed, and shall include classified and unclassified mate-
9 rials such as instructions and guidance, position papers,
10 reporting cables and memoranda of conversation, working
11 papers, draft texts of the agreement, diplomatic notes,
12 notes verbal, and other internal and external correspond-
13 ence. Such records shall be maintained both in hard copy
14 and magnetic media. In order to implement effectively this
15 section, the Director shall ensure that Agency personnel
16 participate throughout the negotiation and implementa-
17 tion phases of all arms control and nonproliferation agree-
18 ments.”.

19 (b) REPORT REQUIRED.—Not later than January 31,
20 1994, the Director of the United States Arms Control and
21 Disarmament Agency shall submit to the Speaker of the
22 House of Representatives and to the chairman of the
23 Committee on Foreign Relations of the Senate a detailed
24 report describing the actions he has undertaken to imple-

1 ment section 36 of the Arms Control and Disarmament
2 Act.

3 **SEC. 13. VERIFICATION OF COMPLIANCE.**

4 Section 37 (22 U.S.C. 2577) is amended to read as
5 follows:

6 “VERIFICATION OF COMPLIANCE

7 “SEC. 37. (a) IN GENERAL.—In order to ensure that
8 arms control and nonproliferation agreements can be ade-
9 quately verified, the Director shall report to Congress, on
10 a timely basis, or upon request by an appropriate commit-
11 tee of the Congress—

12 “(1) in the case of any arms control or non-
13 proliferation agreement or treaty that has been con-
14 cluded by the United States, the determination of
15 the Director as to the degree to which the compo-
16 nents of such agreement or treaty can be verified;

17 “(2) in the case of any arms control or non-
18 proliferation agreement or treaty that has entered
19 into force, any significant degradation or alteration
20 in the capacity of the United States to verify compli-
21 ance of the components of such agreement or treaty;
22 and

23 “(3) the amount and percentage of research
24 funds expended by the Agency for the purpose of
25 analyzing issues relating to arms control and non-
26 proliferation verification.

1 “(b) STANDARD FOR VERIFICATION OF COMPLI-
2 ANCE.—In making determinations under paragraphs (1)
3 and (2) of subsection (a), the Director shall assume all
4 measures of concealment not expressly prohibited could be
5 employed and that standard practices could be altered so
6 as to impede verification.

7 “(c) RULE OF CONSTRUCTION.—Except as otherwise
8 provided for by law, nothing in this section may be con-
9 strued as requiring the disclosure of sensitive information
10 relating to intelligence sources or methods or persons em-
11 ployed in the verification of compliance with arms control
12 or nonproliferation agreements.

13 “(d) PARTICIPATION OF THE DIRECTOR.—In order
14 to ensure adherence of the United States to obligations
15 or commitments undertaken in arms control and non-
16 proliferation agreements, and in order for the Director to
17 make the assessment required by section 51(a)(6), the Di-
18 rector shall participate in all interagency groups or organi-
19 zations within the executive branch of Government that
20 assess, analyze, or review United States planned or ongo-
21 ing policies, programs, or actions that affect or could af-
22 fect United States adherence to obligations undertaken in
23 arms control or nonproliferation agreements.”.

1 **SEC. 14. ROLE OF ACDA WITH RESPECT TO DUAL-USE EX-**
 2 **PORTS.**

3 Title III of the Arms Control and Disarmament Act
 4 is amended—

5 (1) by redesignating section 39 as section 38;

6 and

7 (2) by adding at the end the following new sec-
 8 tion:

9 “~~ROLE OF ACDA WITH RESPECT TO DUAL-USE EXPORTS~~

10 “~~SEC. 39. (a) EXPORT CONTROLS ON NATIONAL SE-~~
 11 ~~CURITY GROUNDS.—The Director, the Secretary of De-~~
 12 ~~fense, and the heads of the other appropriate departments~~
 13 ~~and agencies shall identify goods and technologies for in-~~
 14 ~~clusion on the national security control list established~~
 15 ~~pursuant to section 5(c)(1) of the Export Administration~~
 16 ~~Act of 1979 (50 U.S.C. App. 2404(c)(1)). No item shall~~
 17 ~~be added to, or removed from, such list without the con-~~
 18 ~~currence of the Director, the Secretary of Defense, and~~
 19 ~~the Secretary of Commerce. If the Director, the Secretary~~
 20 ~~of Defense, and the Secretary of Commerce are unable to~~
 21 ~~concur, the matter shall be referred to the President for~~
 22 ~~resolution.~~

23 “~~(b) REVIEW.—The Director shall have the right to~~
 24 ~~review any export license application relating to section~~
 25 ~~5 of such Act if the Director requests such review. No~~
 26 ~~application that the Director has requested to review shall~~

1 be granted or denied without the concurrence of the Direc-
2 tor. If concurrence is unable to be reached, the matter
3 shall be referred to the President for resolution.

4 “(c) INTERNATIONAL NEGOTIATIONS.—The Direc-
5 tor, in consultation with the Secretary of State, the Sec-
6 retary of Defense, the Secretary of Commerce, and the
7 heads of other appropriate departments and agencies shall
8 be responsible for conducting negotiations with other
9 countries regarding their cooperation in restricting the ex-
10 port of goods and technology, including negotiations with
11 respect to which goods and technology should be subject
12 to mutually agreed export restrictions and what conditions
13 should apply for exceptions from those restrictions.

14 “(d) EXPORT CONTROLS ON FOREIGN POLICY
15 GROUNDS.—The Director, the Secretary of State, and the
16 Secretary of Commerce shall identify goods and tech-
17 nologies for inclusion on the foreign policy control list es-
18 tablished pursuant to section 6 of such Act (50 U.S.C.
19 App. 2403(b)). No item shall be added to, or removed
20 from, such list without the concurrence of the Director,
21 Secretary of State, and the Secretary of Commerce. If the
22 Director, Secretary of State, and the Secretary of Com-
23 merce are unable to concur, the matter shall be referred
24 to the President for resolution.

1 “(e) REVIEW.—The Director shall have the right to
2 review any export license application relating to section
3 6 of such Act that the Director requests to review. No
4 application that the Director has requested to review shall
5 be granted or denied without the concurrence of the Direc-
6 tor. If concurrence is unable to be reached, the matter
7 shall be referred to the President for resolution.

8 “(f) INFORMATION FROM THE DEPARTMENT OF
9 COMMERCE.—The Secretary of Commerce shall furnish to
10 the Agency all information with respect to the foreign
11 availability of any goods or technology subject to export
12 controls pursuant to such Act. Such transfer of informa-
13 tion shall be accomplished in a timely manner by electronic
14 means at the expense of the Agency.

15 “(g) PROHIBITION ON DELEGATION OR TRANSFER
16 OF POWERS.—The President may not delegate or transfer
17 his power, authority, or discretion to overrule or modify
18 any recommendation or decision made by the Secretary
19 of Commerce, the Director, the Secretary of Defense, or
20 the Secretary of State pursuant to the provisions of such
21 Act.

22 “(h) SUPERSEDING EXISTING LAW.—The provisions
23 of this subsection supersede the provisions of the Export
24 Administration Act of 1979, and any regulation, rule, or

1 order issued thereunder, to the extent that those provi-
 2 sions are inconsistent.”.

3 **SEC. 15. AUTHORITIES WITH RESPECT TO NONPROLIFERA-**
 4 **TION MATTERS.**

5 (a) AMENDMENTS TO THE ARMS EXPORT CONTROL
 6 ACT.—(1) Section 38(a)(2) of the Arms Export Control
 7 Act (~~22 U.S.C. 2778(a)(2)~~) is amended to read as follows:

8 “(2) Decisions on issuing export licenses under this
 9 section shall be made only with the concurrence of the Di-
 10 rector of the United States Arms Control and Disar-
 11 mament Agency, taking into account the Director’s assess-
 12 ment as to whether the export of an article would contrib-
 13 ute to an arms race, support international terrorism, in-
 14 crease the possibility of outbreak or escalation of conflict,
 15 or prejudice the development of bilateral or multilateral
 16 arms control or nonproliferation agreements or other ar-
 17 rangements.”.

18 (2) Section 42(a) of such Act (~~22 U.S.C. 2791(a)~~)
 19 is amended—

20 (A) by redesignating clauses (1), (2), and (3) as
 21 clauses (A), (B), and (C), respectively;

22 (B) by inserting “(1)” immediately after “(a)”;

23 and

24 (C) by amending clause (C) to read as follows:

1 ~~“(C) the assessment of the Director of the~~
 2 ~~United States Arms Control and Disarmament~~
 3 ~~Agency as to whether, and the extent to which, such~~
 4 ~~sale might contribute to an arms race, support inter-~~
 5 ~~national terrorism, increase the possibility of out-~~
 6 ~~break or escalation of conflict, or prejudice the de-~~
 7 ~~velopment of bilateral or multilateral arms control or~~
 8 ~~nonproliferation agreements or other arrange-~~
 9 ~~ments;”~~; and

10 ~~(D) by adding at the end the following:~~

11 ~~“(2) Any proposed sale made pursuant to this Act~~
 12 ~~shall be approved only with the concurrence of the Direc-~~
 13 ~~tor of the United States Arms Control and Disarmament~~
 14 ~~Agency.”~~.

15 ~~(3) Section 71(a) of such Act (22 U.S.C. 2797(a))~~
 16 ~~is amended by inserting “and the Director of the Arms~~
 17 ~~Control and Disarmament Agency jointly” after “The Sec-~~
 18 ~~retary of State”~~.

19 ~~(4) Section 71(b)(1) of such Act (22 U.S.C.~~
 20 ~~2797(b)(1)) is amended by striking “A determination of~~
 21 ~~the Secretary of State” and inserting “A joint determina-~~
 22 ~~tion of the Secretary of State and the Director of the Unit-~~
 23 ~~ed States Arms Control and Disarmament Agency”~~.

24 ~~(5) Section 71(b)(2) of such Act (22 U.S.C.~~
 25 ~~2797(b)(2)) is amended by inserting “and the Director of~~

1 the United States Arms Control and Disarmament Agen-
 2 cy” after “The Secretary of State”.

3 ~~(6) Section 71(c) of such Act (22 U.S.C. 2797(c))~~
 4 is amended by striking “The Secretary of State shall” and
 5 inserting “The Secretary of State and the Director of the
 6 Arms Control and Disarmament Agency shall jointly”.

7 ~~(7) Section 73(d) of such Act (22 U.S.C. 2797(d))~~
 8 is amended by inserting “and the Director of the United
 9 States Arms Control and Disarmament Agency” after
 10 “The Secretary of State”.

11 ~~(b) AMENDMENTS TO THE ATOMIC ENERGY ACT.—~~

12 ~~(1) Section 51 of the Atomic Energy Act of 1954 (42~~
 13 ~~U.S.C. 2071) is amended by adding at the end thereof~~
 14 ~~the following new sentence: “For purposes of this section,~~
 15 ~~any determination that other material is special nuclear~~
 16 ~~material shall be made only with the concurrence of the~~
 17 ~~Director of the Arms Control and Disarmament Agency.”.~~

18 ~~(2) Section 57 b. of such Act (42 U.S.C. 2077(b))~~
 19 is amended by striking “and after consultation with the
 20 Arms Control and Disarmament Agency,” and inserting
 21 “and the Director of the United States Arms Control and
 22 Disarmament Agency and after consultation with”.

23 ~~(3) Section 109 a. of such Act (42 U.S.C. 2139(a))~~
 24 is amended by inserting “with the concurrence of the Di-

1 rector of the Arms Control and Disarmament Agency,”
 2 after “if the Commission”.

3 (4) Section 109 b. of such Act (42 U.S.C. 2139(b))
 4 is amended in the first sentence by inserting “, with the
 5 concurrence of the Director of the United States Arms
 6 Control and Disarmament Agency” after “Commission”.

7 (5) Section 111 b.(1) of such Act (42 U.S.C.
 8 2141(b)(1)) is amended by striking “and has consulted
 9 with the Arms Control and Disarmament Agency, the Nu-
 10 clear Regulatory Commission,” and inserting “and the Di-
 11 rector of the United States Arms Control and Disar-
 12 mament Agency and has consulted with the Nuclear Regu-
 13 latory Commission”.

14 (6) Section 123 a. of such Act (42 U.S.C. 2153(a))
 15 is amended in the undesignated paragraph following para-
 16 graph (9)—

17 (A) in the second sentence, by striking out “ne-
 18 gotiated by the Secretary of State” and inserting
 19 “negotiated by the Director of the United States
 20 Arms Control and Disarmament Agency”;

21 (B) in the second sentence, by striking out
 22 “shall be submitted to the President jointly by the
 23 Secretary of State and the Secretary of Energy ac-
 24 companied by the views and recommendations of the
 25 Secretary of State,” and inserting “shall be submit-

1 ted to the President jointly by the Director of the
 2 United States Arms Control and Disarmament
 3 Agency, the Secretary of State, and the Secretary of
 4 Energy accompanied by the views and recommenda-
 5 tions of the Director of the United States Arms
 6 Control and Disarmament Agency, the Secretary of
 7 State,”;

8 (C) in the third sentence, by inserting “jointly”
 9 after “any proposed agreement for cooperation shall
 10 be”;

11 (D) in the third sentence, by inserting “and the
 12 Director of the United States Arms Control and
 13 Disarmament Agency” after “by the Secretary of
 14 Energy”; and

15 (E) in the third sentence, by inserting “and the
 16 Director of the United States Arms Control and
 17 Disarmament Agency” after “, by the Secretary of
 18 Defense”.

19 (7) Section 126 a. (1) of such Act (42 U.S.C.
 20 2155(a)(1)) is amended by inserting “, with the concur-
 21 rence of the Director of the United States Arms Control
 22 and Disarmament Agency,” after “the Commission has
 23 been notified by the Secretary of State”.

24 (8) Section 131 a. (1) of such Act (42 U.S.C.
 25 2160(a)(1)) is amended—

1 (A) in the first sentence, by inserting “the Di-
 2 rector of the United States Arms Control and Disar-
 3 mament Agency and” after “the Secretary of En-
 4 ergy shall obtain the concurrence of”; and

5 (B) in the proviso, by striking “the Secretary of
 6 State” and inserting “the Director of the United
 7 States Arms Control and Disarmament Agency”.

8 (9) Section 131 b. (2) of such Act (42 U.S.C.
 9 2160(b)(2)) is amended by inserting “the Director of the
 10 United States Arms Control and Disarmament Agency
 11 and” after “unless in his judgment, and that of”.

12 (10) Section 131 b. (3) of such Act (42 U.S.C.
 13 2160(b)(3)) is amended by inserting “the Director of the
 14 United States Arms Control and Disarmament Agency
 15 and” after “to those which in this view, and that of”.

16 (11) Section 142 of such Act (42 U.S.C. 2162) is
 17 amended by adding at the end thereof the following new
 18 subsection:

19 “(g) All determinations under this section to remove
 20 data from the Restricted Data category shall be made only
 21 after consultation with, and upon the concurrence of, the
 22 Director of the United States Arms Control and Disar-
 23 mament Agency.”.

1 **SEC. 16. APPOINTMENT AND COMPENSATION OF PERSON-**
2 **NEL.**

3 Section 41(b) (22 U.S.C. 2581(b)) is amended by
4 striking all that follows “General Schedule pay rates,” and
5 inserting in lieu thereof “except that—

6 “(1) the Director may, to the extent the Direc-
7 tor determines necessary, appoint in the excepted
8 service, and fix the compensation of, employees pos-
9 sessing specialized technical expertise without regard
10 to provisions of title 5, United States Code, govern-
11 ing appointment or compensation of employees of
12 the United States,

13 “(2) an employee who is appointed under this
14 provision may not be paid a salary in excess of the
15 rate payable for positions of equivalent difficulty or
16 responsibility, and in no event, may be paid at a rate
17 exceeding the maximum rate in effect for level 15 of
18 the General Schedule, and

19 “(3) the number of employees appointed under
20 this paragraph shall not exceed ten percent of the
21 number of positions allowed under the Agency’s full-
22 time equivalent limitation.”.

23 **SEC. 17. SECURITY REQUIREMENTS.**

24 Section 45(a) (22 U.S.C. 2585) is amended in the
25 third sentence—

1 (1) by inserting “or employed directly from
2 other Government agencies” after “persons detailed
3 from other Government agencies”; and

4 (2) by striking “by the Department of Defense
5 or the Department of State” and inserting “by such
6 agencies”.

7 **SEC. 18. ANNUAL REPORT TO CONGRESS; AUTHORIZATION**
8 **OF APPROPRIATIONS.**

9 (a) ~~IN GENERAL.~~—Title IV of the Arms Control and
10 Disarmament Act is amended—

11 (1) by striking sections 49 and 50;

12 (2) by redesignating sections 51 and 53 as sec-
13 tions 49 and 50, respectively;

14 (3) by inserting after section 50 (as redesign-
15 ated by paragraph (2)) the following new sections:

16 “ANNUAL REPORT TO CONGRESS

17 “SEC. 51. (a) ~~IN GENERAL.~~—Not later than January
18 31 of each year, the President shall submit to the Speaker
19 of the House of Representatives and to the chairman of
20 the Committee on Foreign Relations of the Senate a re-
21 port prepared by the Director, in consultation with the
22 Secretary of State, the Secretary of Defense, the Secretary
23 of Energy, the Chairman of the Joint Chiefs of Staff, and
24 Director of Central Intelligence, on the status of United
25 States policy and actions with respect to arms control and
26 nonproliferation. Such report shall include—

1 “(1) a detailed statement concerning the arms
2 control objectives of the executive branch of Govern-
3 ment for the forthcoming year;

4 “(2) a detailed statement concerning the non-
5 proliferation objectives of the executive branch of
6 Government for the forthcoming year;

7 “(3) a detailed assessment of the status of any
8 ongoing arms control negotiations, including a com-
9 prehensive description of negotiations during the
10 preceding year and an appraisal of the status and
11 prospects for the forthcoming year;

12 “(4) a detailed assessment of the status of any
13 ongoing nonproliferation negotiations or other activi-
14 ties, including a comprehensive description of the ne-
15 gotiations or other activities during the preceding
16 year and an appraisal of the status and prospects
17 for the forthcoming year;

18 “(5) a detailed assessment of adherence of the
19 United States to obligations undertaken in arms
20 control and nonproliferation agreements, including
21 information on the policies and organization of each
22 relevant agency or department of the United States
23 to ensure adherence to such obligations, a descrip-
24 tion of national security programs with a direct
25 bearing on questions of adherence to such obliga-

1 tions and of steps being taken to ensure adherence,
2 and a compilation of any substantive questions
3 raised during the preceding year and any corrective
4 action taken; and

5 “(6) a detailed assessment of the adherence of
6 other nations to obligations undertaken in all arms
7 control and nonproliferation agreements to which the
8 United States is a participating state, including in-
9 formation on actions taken by each nation with re-
10 gard to the size, structure, and disposition of its
11 military forces in order to comply with arms control
12 or nonproliferation agreements, and shall include, in
13 the case of each agreement about which compliance
14 questions exist—

15 “(A) a description of each significant issue
16 raised and efforts made and contemplated with
17 the other participating state to seek resolution
18 of the difficulty;

19 “(B) an assessment of damage, if any, to
20 the United States security and other interests;
21 and

22 “(C) recommendations as to any steps that
23 should be considered to redress any damage to
24 United States national security and to reduce
25 compliance problems.

1 ~~“(b) CLASSIFICATION OF THE REPORT.—The report~~
 2 ~~required by this section shall be submitted in unclassified~~
 3 ~~form, with classified annexes, as appropriate.~~

4 ~~“AUTHORIZATION OF APPROPRIATIONS~~

5 ~~“SEC. 52. (a) AUTHORIZATION OF APPROPRIA-~~
 6 ~~TIONS.—To carry out the purposes of this Act, there are~~
 7 ~~authorized to be appropriated—~~

8 ~~“(1) \$62,500,000 for fiscal year 1994 and~~
 9 ~~\$64,375,000 for fiscal year 1995; and~~

10 ~~“(2) such additional amounts as may be nec-~~
 11 ~~essary for each fiscal year for which an authoriza-~~
 12 ~~tion of appropriations is provided for in paragraph~~
 13 ~~(1) of this subsection for increases in salary, pay, re-~~
 14 ~~tirement, other employee benefits authorized by law,~~
 15 ~~and other nondiscretionary costs, and to offset ad-~~
 16 ~~verse fluctuations in foreign currency exchange~~
 17 ~~rates.~~

18 ~~“(b) TRANSFER OF FUNDS.—Funds appropriated~~
 19 ~~pursuant to this section may be allocated or transferred~~
 20 ~~to any agency for carrying out the purposes of this Act.~~
 21 ~~Such funds shall be available for obligation and expendi-~~
 22 ~~ture in accordance with the authorities of this Act or in~~
 23 ~~accordance with the authorities governing the activities of~~
 24 ~~the agencies to which such funds are allocated or trans-~~
 25 ~~ferred.~~

1 “(c) LIMITATION.—Not more than 12 percent of any
2 appropriation made pursuant to this Act shall be obligated
3 or reserved during the last month of the fiscal year.”.

(b) EFFECTIVE DATE.—So much of the amendment made by subsection (a) as inserts section 52 of the Arms Control and Disarmament Act shall take effect on October 1, 1993.

8 **SECTION 1. SHORT TITLE; REFERENCES IN ACT; TABLE OF**
9 **CONTENTS.**

10 (a) *SHORT TITLE.*—This Act may be cited as the
11 “Arms Control and Nonproliferation Act of 1993”.

(b) REFERENCES IN ACT.—Except as specifically provided in this Act, whenever in this Act an amendment or repeal is expressed as an amendment to or repeal of a provision, the reference shall be deemed to be made to the Arms Control and Disarmament Act.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; references in Act; table of contents.*
- Sec. 2. Congressional declarations; purpose.*
- Sec. 3. Purposes.*
- Sec. 4. Repeals.*
- Sec. 5. Director.*
- Sec. 6. Bureaus, offices, and divisions.*
- Sec. 7. Presidential special representatives.*
- Sec. 8. Policy formulation.*
- Sec. 9. Negotiation management.*
- Sec. 10. Report on measures to coordinate research and development.*
- Sec. 11. Negotiating records.*
- Sec. 12. Verification of compliance.*
- Sec. 13. Authorities with respect to nonproliferation matters.*
- Sec. 14. Appointment and compensation of personnel.*
- Sec. 15. Security requirements.*
- Sec. 16. Annual report to Congress; authorization of appropriations.*

Sec. 17. Conforming amendments.

1 **SEC. 2. CONGRESSIONAL DECLARATIONS; PURPOSE.**

2 (a) *CONGRESSIONAL DECLARATIONS.*—*The Congress*
3 *declares that—*

4 (1) *a fundamental goal of the United States,*
5 *particularly in the wake of the highly turbulent and*
6 *uncertain international situation fostered by the end*
7 *of the Cold War, the disintegration of the Soviet*
8 *Union and the resulting emergence of fifteen new*
9 *independent states, and the revolutionary changes in*
10 *Eastern Europe, is to eliminate chemical and biologi-*
11 *cal weapons and to reduce and limit the large num-*
12 *bers of nuclear weapons in the former Soviet Union*
13 *and, more generally, to prevent the proliferation of*
14 *weapons of mass destruction and their means of deliv-*
15 *ery, and of high-technology conventional armaments*
16 *as well as to prevent regional conflicts and conven-*
17 *tional arms races; and*

18 (2) *an ultimate goal of the United States contin-*
19 *ues to be a world in which the use of force is subordi-*
20 *nated to the rule of law and international change is*
21 *achieved peacefully without the danger and burden of*
22 *destabilizing and costly armaments.*

23 (b) *PURPOSE.*—*The purpose of this Act is—*

24 (1) *to strengthen the United States Arms Control*
25 *and Disarmament Agency; and*

1 (2) to improve congressional oversight of the
2 arms control, nonproliferation, and disarmament ac-
3 tivities of the United States Arms Control and Disar-
4 mament Agency.

5 **SEC. 3. PURPOSES.**

6 Section 2 (22 U.S.C. 2551) is amended in the text fol-
7 lowing the third undesignated paragraph by striking para-
8 graphs (a), (b), (c), and (d) and by inserting the following
9 new paragraphs:

10 “(1) The preparation for and management of
11 United States participation in international negotia-
12 tions and implementation fora in the arms control
13 and disarmament field.

14 “(2) When directed by the President, the prepa-
15 ration for, and management of, United States partici-
16 pation in international negotiations and implementa-
17 tion fora in the nonproliferation field.

18 “(3) The conduct, support, and coordination of
19 research for arms control, nonproliferation, and dis-
20 armament policy formulation.

21 “(4) The preparation for, operation of, or, as ap-
22 propriate, direction of, United States participation in
23 such control systems as may become part of United
24 States arms control, nonproliferation, and disar-
25 mament activities.

1 “(5) *The dissemination and coordination of pub-*
2 *lic information concerning arms control, non-*
3 *proliferation, and disarmament.*”.

4 **SEC. 4. REPEALS.**

5 *The following provisions of law are hereby repealed:*

6 (1) *Section 26 (22 U.S.C. 2566), relating to the*
7 *General Advisory Committee.*

8 (2) *Section 36 (22 U.S.C. 2578), relating to*
9 *arms control impact information and analysis.*

10 (3) *Section 38 (22 U.S.C. 2578), relating to re-*
11 *ports on Standing Consultative Commission activi-*
12 *ties.*

13 (4) *Section 52 (22 U.S.C. 2592), relating to re-*
14 *ports on adherence to and compliance with agree-*
15 *ments.*

16 (5) *Section 906 of the National Defense Author-*
17 *ization Act, Fiscal Year 1989 (22 U.S.C. 2592b), re-*
18 *lating to an annual report on arms control strategy.*

19 (6) *Section 1002 of the Department of Defense*
20 *Authorization Act, 1986 (22 U.S.C. 2592a), relating*
21 *to an annual report on Soviet compliance with arms*
22 *control commitments.*

23 **SEC. 5. DIRECTOR.**

24 *Section 22 (22 U.S.C. 2562) is amended to read as*
25 *follows:*

7 “(b) DUTIES.—(1) The Director shall serve as the
8 principal adviser to the Secretary of State, the National
9 Security Council, and the President and other executive
10 branch Government officials on matters relating to arms
11 control, nonproliferation, and disarmament matters. In
12 carrying out his duties under this Act, the Director, under
13 the direction of the President and the Secretary of State,
14 shall have primary responsibility within the Government
15 for matters relating to arms control and disarmament, and,
16 whenever directed by the President, primary responsibility
17 within the Government for matters relating to nonprolifera-
18 tion.

23 **SEC. 6. BUREAUS, OFFICES, AND DIVISIONS.**

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1 ***“SEC. 25. BUREAUS, OFFICES, AND DIVISIONS.***

2 *“The Director, under the direction of the Secretary of*
3 *State, may establish within the Agency such bureaus, of-*
4 *fices, and divisions as he may determine to be necessary*
5 *to discharge his responsibilities pursuant to this Act, in-*
6 *cluding a bureau of intelligence and information support*
7 *and an office to perform legal services for the Agency.”.*

8 ***SEC. 7. PRESIDENTIAL SPECIAL REPRESENTATIVES.***

9 *(a) Sections 27 and 28 (22 U.S.C. 2567, 2568) are*
10 *redesignated as sections 26 and 27, respectively.*

11 *(b) Section 26 (as redesignated by subsection (a)) is*
12 *amended to read as follows:*

13 *“PRESIDENTIAL SPECIAL REPRESENTATIVES*

14 *“SEC. 26. The President may appoint, by and with*
15 *the advice and consent of the Senate, Special Representa-*
16 *tives of the President for Arms Control, Nonproliferation,*
17 *and Disarmament. Each Presidential Special Representa-*
18 *tive shall hold the personal rank of ambassador. Presi-*
19 *dential Special Representatives appointed under this sec-*
20 *tion shall perform their duties and exercise their powers*
21 *under direction of the President and the Secretary of State,*
22 *acting through the Director. The Agency shall be the Gov-*
23 *ernment agency responsible for providing administrative*
24 *support, including funding, staff, and office space, to all*
25 *Presidential Special Representatives.”.*

1 **SEC. 8. POLICY FORMULATION.**

2 *Section 33 (22 U.S.C. 2573) is amended to read as*
 3 *follows:*

4 *“POLICY FORMULATION*

5 *“SEC. 33. (a) FORMULATION.—The Director shall pre-*
 6 *pare for the President, the Secretary of State, and the heads*
 7 *of such other Government agencies as the President may*
 8 *determine, recommendations and advice concerning United*
 9 *States arms control, nonproliferation, and disarmament*
 10 *policy.*

11 *“(b) PROHIBITION.—No action shall be taken pursuant*
 12 *to this or any other Act that would obligate the United*
 13 *States to reduce or limit the Armed Forces or armaments*
 14 *of the United States in a militarily significant manner,*
 15 *except pursuant to the treaty-making power of the President*
 16 *set forth in Article II, Section 2, Clause 2 of the Constitu-*
 17 *tion or unless authorized by the enactment of further af-*
 18 *firmative legislation by the Congress of the United States.”.*

19 **SEC. 9. NEGOTIATION MANAGEMENT.**

20 *Section 34 (22 U.S.C. 2574) is amended to read as*
 21 *follows:*

22 *“NEGOTIATION MANAGEMENT*

23 *“SEC. 34. (a) RESPONSIBILITIES.—The Director,*
 24 *under the direction of the President and the Secretary of*
 25 *State, shall have primary responsibility for the prepara-*
 26 *tion, conduct, and management of United States participa-*

1 *tion in all international negotiations and implementation*
 2 *fora in the field of arms control and disarmament and shall*
 3 *have primary responsibility, whenever directed by the*
 4 *President, for the preparation, conduct, and management*
 5 *of United States participation in international negotia-*
 6 *tions and implementation fora in the field of nonprolifera-*
 7 *tion. In furtherance of these responsibilities Special Rep-*
 8 *resentatives of the President for Nonproliferation, estab-*
 9 *lished pursuant to section 26, shall, as directed by the Presi-*
 10 *dent, serve as the United States Government representatives*
 11 *to international organizations, conferences, and activities*
 12 *relating to the field of nonproliferation, such as the prep-*
 13 *arations for and conduct of the review relating to the Treaty*
 14 *on the Non-Proliferation of Nuclear Weapons.*

15 “(b) *FUNCTIONS WITH RESPECT TO THE UNITED*
 16 *STATES INFORMATION AGENCY.—The Director shall per-*
 17 *form functions pursuant to section 2(c) of the Reorganiza-*
 18 *tion Plan 8 of 1953 with respect to providing to the United*
 19 *States Information Agency official United States positions*
 20 *and policy on arms control, nonproliferation, and disar-*
 21 *mament matters for dissemination abroad.*

22 “(c) *AUTHORITY.—The Director is authorized—*

23 “(1) *to formulate plans and make preparations*
 24 *for the establishment, operation, and funding of in-*
 25 *spections and control systems which may become part*

1 *of the United States arms control, nonproliferation,*
 2 *and disarmament activities; and*

3 *“(2) as authorized by law, to put into effect, di-*
 4 *rect, or otherwise assume United States responsibility*
 5 *for such systems.”.*

6 **SEC. 10. REPORT ON MEASURES TO COORDINATE RE-**
 7 **SEARCH AND DEVELOPMENT.**

8 *Not later than March 31, 1994, the President shall sub-*
 9 *mit to the Congress a report prepared by the Director of*
 10 *the United States Arms Control and Disarmament Agency,*
 11 *in coordination with the Secretary of State, the Secretary*
 12 *of Defense, the Secretary of Energy, the Chairman of the*
 13 *Joint Chiefs of Staff, and the Director of Central Intel-*
 14 *ligence, with respect to the procedures established pursuant*
 15 *to section 35 of the Arms Control and Disarmament Act*
 16 *(22 U.S.C. 2575) for the effective coordination of research*
 17 *and development on arms control, nonproliferation, and*
 18 *disarmament among all departments and agencies of the*
 19 *executive branch of Government.*

20 **SEC. 11. NEGOTIATING RECORDS.**

21 *(a) IN GENERAL.—The Arms Control and Disar-*
 22 *mament Act is amended by inserting after section 35 the*
 23 *following:*

24 *“NEGOTIATING RECORDS*

25 *“SEC. 36. (a) PREPARATION OF RECORDS.—The Di-*
 26 *rector shall establish and maintain records for each arms*

1 *control, nonproliferation, and disarmament agreement to*
 2 *which the United States is a party and which was under*
 3 *negotiation or in force on or after January 1, 1990, which*
 4 *shall include classified and unclassified materials such as*
 5 *instructions and guidance, position papers, reporting cables*
 6 *and memoranda of conversation, working papers, draft*
 7 *texts of the agreement, diplomatic notes, notes verbal, and*
 8 *other internal and external correspondence.*

9 “(b) NEGOTIATING AND IMPLEMENTATION
 10 *RECORDS.—In particular, the Director shall establish and*
 11 *maintain a negotiating and implementation record for each*
 12 *such agreement, which shall be comprehensive and detailed,*
 13 *and shall document all communications between the parties*
 14 *with respect to such agreement. Such records shall be main-*
 15 *tained both in hard copy and magnetic media.*

16 “(c) *PARTICIPATION OF AGENCY PERSONNEL.—In*
 17 *order to implement effectively this section, the Director shall*
 18 *ensure that Agency personnel participate throughout the ne-*
 19 *gotiation and implementation phases of all arms control,*
 20 *nonproliferation, and disarmament agreements.”.*

21 (b) *REPORT REQUIRED.—Not later than January 31,*
 22 *1994, the Director of the United States Arms Control and*
 23 *Disarmament Agency shall submit to the Speaker of the*
 24 *House of Representatives and to the chairman of the Com-*
 25 *mittee on Foreign Relations of the Senate a detailed report*

1 *describing the actions he has undertaken to implement sec-*
 2 *tion 36 of the Arms Control and Disarmament Act.*

3 **SEC. 12. VERIFICATION OF COMPLIANCE.**

4 *Section 37 (22 U.S.C. 2577) is amended to read as*
 5 *follows:*

6 *“VERIFICATION OF COMPLIANCE*

7 *“SEC. 37. (a) IN GENERAL.—In order to ensure that*
 8 *arms control, nonproliferation, and disarmament agree-*
 9 *ments can be adequately verified, the Director shall report*
 10 *to Congress, on a timely basis, or upon request by an appro-*
 11 *priate committee of the Congress—*

12 *“(1) in the case of any arms control, non-*
 13 *proliferation, or disarmament agreement that has*
 14 *been concluded by the United States, the determina-*
 15 *tion of the Director as to the degree to which the com-*
 16 *ponents of such agreement can be verified;*

17 *“(2) in the case of any arms control, non-*
 18 *proliferation, or disarmament agreement that has en-*
 19 *tered into force, any significant degradation or alter-*
 20 *ation in the capacity of the United States to verify*
 21 *compliance of the components of such agreement; and*

22 *“(3) the amount and percentage of research*
 23 *funds expended by the Agency for the purpose of ana-*
 24 *lyzing issues relating to arms control, nonprolifera-*
 25 *tion, and disarmament verification.*

1 “(b) *STANDARD FOR VERIFICATION OF COMPLIANCE.*—
2 *In making determinations under paragraphs (1) and (2)*
3 *of subsection (a), the Director shall assume all measures of*
4 *concealment not expressly prohibited could be employed and*
5 *that standard practices could be altered so as to impede*
6 *verification.*

7 “(c) *RULE OF CONSTRUCTION.*—*Except as otherwise*
8 *provided for by law, nothing in this section may be con-*
9 *strued as requiring the disclosure of sensitive information*
10 *relating to intelligence sources or methods or persons em-*
11 *ployed in the verification of compliance with arms control,*
12 *nonproliferation, and disarmament agreements.*

13 “(d) *PARTICIPATION OF THE AGENCY.*—*In order to en-*
14 *sure adherence of the United States to obligations or com-*
15 *mitments undertaken in arms control, nonproliferation,*
16 *and disarmament agreements, and in order for the Director*
17 *to make the assessment required by section 51(a)(5), the Di-*
18 *rector, or the Director’s designee, shall participate in all*
19 *interagency groups or organizations within the executive*
20 *branch of Government that assess, analyze, or review*
21 *United States planned or ongoing policies, programs, or ac-*
22 *tions that have a direct bearing on United States adherence*
23 *to obligations undertaken in arms control, nonproliferation,*
24 *or disarmament agreements.”.*

1 **SEC. 13. AUTHORITIES WITH RESPECT TO NONPROLIFERA-**
 2 **TION MATTERS.**

3 (a) *AMENDMENTS TO THE ARMS EXPORT CONTROL*
 4 *ACT.*—(1) *Section 38(a)(2) of the Arms Export Control Act*
 5 *(22 U.S.C. 2778(a)(2)) is amended to read as follows:*

6 “(2) *Decisions on issuing export licenses under this*
 7 *section shall be made in coordination with the Director of*
 8 *the United States Arms Control and Disarmament Agency,*
 9 *taking into account the Director’s assessment as to whether*
 10 *the export of an article would contribute to an arms race,*
 11 *support international terrorism, increase the possibility of*
 12 *outbreak or escalation of conflict, or prejudice the develop-*
 13 *ment of bilateral or multilateral arms control or non-*
 14 *proliferation agreements or other arrangements. The Direc-*
 15 *tor of the Arms Control and Disarmament Agency is au-*
 16 *thorized, whenever the Director determines that the issuance*
 17 *of an export license under this section would be detrimental*
 18 *to the national security of the United States, to recommend*
 19 *to the President that such export license be disapproved.”.*

20 (2) *Section 42(a) of such Act (22 U.S.C. 2791(a)) is*
 21 *amended—*

22 (A) *by redesignating clauses (1), (2), and (3) as*
 23 *clauses (A), (B), and (C), respectively;*

24 (B) *by inserting “(1)” immediately after “(a)”;*

25 (C) *by amending clause (C) (as redesignated) to*
 26 *read as follows:*

1 “(C) the assessment of the Director of the United
2 States Arms Control and Disarmament Agency as to
3 whether, and the extent to which, such sale might con-
4 tribute to an arms race, support international terror-
5 ism, increase the possibility of outbreak or escalation
6 of conflict, or prejudice the development of bilateral or
7 multilateral arms control or nonproliferation agree-
8 ments or other arrangements;” and

9 (D) by adding at the end the following:

10 “(2) Any proposed sale made pursuant to this Act shall
11 be approved only after consultation with the Director of the
12 United States Arms Control and Disarmament Agency. The
13 Director of the Arms Control and Disarmament Agency is
14 authorized, whenever the Director determines that a sale
15 under this section would be detrimental to the national se-
16 curity of the United States, to recommend to the President
17 that such sale be disapproved.”.

18 (3) Section 71(a) of such Act (22 U.S.C. 2797(a)) is
19 amended by inserting “and the Director of the Arms Con-
20 trol and Disarmament Agency” after “The Secretary of De-
21 fense”.

22 (4) Section 71(b)(1) of such Act (22 U.S.C. 2797(b)(1))
23 is amended by inserting “and the Director of the United
24 States Arms Control and Disarmament Agency” after “Sec-
25 retary of Defense”.

(6) Section 71(c) of such Act (22 U.S.C. 2797(c)) is amended by inserting “to include the Director of the Arms Control and Disarmament Agency” after “other appropriate Government agencies”.

9 (7) Section 73(d) of such Act (22 U.S.C. 2797(d)) is
10 amended by inserting “and the Director of the United
11 States Arms Control and Disarmament Agency” after “The
12 Secretary of Commerce”.

(b) AMENDMENT TO THE NUCLEAR NON-PROLIFERATION ACT.—Section 309(c) of the Nuclear Non-Proliferation Act of 1978 (42 U.S.C. 2139(a)) is amended in the second sentence by striking out “, as required,”.

17 *SEC. 14. APPOINTMENT AND COMPENSATION OF PERSON-*
18 *NEL.*

19 *Section 41(b) (22 U.S.C. 2581(b)) is amended by strik-*
20 *ing all that follows “General Schedule pay rates,” and in-*
21 *serting in lieu thereof “except that—*

22 “(1) the Director may, to the extent the Director
23 determines necessary, appoint in the excepted service,
24 and fix the compensation of, employees possessing spe-
25 cialized technical expertise without regard to provi-

1 *sions of title 5, United States Code, governing ap-*
2 *pointment or compensation of employees of the United*
3 *States,*

4 *“(2) an employee who is appointed under this*
5 *provision may not be paid a salary in excess of the*
6 *rate payable for positions of equivalent difficulty or*
7 *responsibility, and in no event, may be paid at a rate*
8 *exceeding the maximum rate in effect for level 15 of*
9 *the General Schedule, and*

10 *“(3) the number of employees appointed under*
11 *this paragraph shall not exceed ten percent of the*
12 *number of positions allowed under the Agency’s full-*
13 *time equivalent limitation.”.*

14 **SEC. 15. SECURITY REQUIREMENTS.**

15 *Section 45(a) (22 U.S.C. 2585) is amended in the*
16 *third sentence—*

17 *(1) by inserting “or employed directly from other*
18 *Government agencies” after “persons detailed from*
19 *other Government agencies”; and*

20 *(2) by striking “by the Department of Defense or*
21 *the Department of State” and inserting “by such*
22 *agencies”.*

1 **SEC. 16. ANNUAL REPORT TO CONGRESS; AUTHORIZATION**
 2 **OF APPROPRIATIONS.**

3 (a) *IN GENERAL.*—Title IV of the Arms Control and
 4 Disarmament Act is amended—

5 (1) *by striking sections 49 and 50;*

6 (2) *by redesignating sections 51 and 53 as sec-*
 7 *tions 49 and 50, respectively; and*

8 (3) *by inserting after section 50 (as redesignated*
 9 *by paragraph (2)) the following new sections:*

10 “ANNUAL REPORT TO CONGRESS

11 “SEC. 51. (a) *IN GENERAL.*—Not later than January
 12 31 of each year, the President shall submit to the Speaker
 13 of the House of Representatives and to the chairman of the
 14 Committee on Foreign Relations of the Senate a report pre-
 15 pared by the Director, in consultation with the Secretary
 16 of State, the Secretary of Defense, the Secretary of Energy,
 17 the Chairman of the Joint Chiefs of Staff, and Director of
 18 Central Intelligence, on the status of United States policy
 19 and actions with respect to arms control, nonproliferation,
 20 and disarmament. Such report shall include—

21 “(1) *a detailed statement concerning the arms*
 22 *control and disarmament objectives of the executive*
 23 *branch of Government for the forthcoming year;*

24 “(2) *a detailed statement concerning the non-*
 25 *proliferation objectives of the executive branch of Gov-*
 26 *ernment for the forthcoming year;*

1 “(3) a detailed assessment of the status of any
2 ongoing arms control or disarmament negotiations,
3 including a comprehensive description of negotiations
4 or other activities during the preceding year and an
5 appraisal of the status and prospects for the forthcom-
6 ing year;

7 “(4) a detailed assessment of the status of any
8 ongoing nonproliferation negotiations or other activi-
9 ties, including a comprehensive description of the ne-
10 gotiations or other activities during the preceding
11 year and an appraisal of the status and prospects for
12 the forthcoming year;

13 “(5) a detailed assessment of adherence of the
14 United States to obligations undertaken in arms con-
15 trol, nonproliferation, and disarmament agreements,
16 including information on the policies and organiza-
17 tion of each relevant agency or department of the
18 United States to ensure adherence to such obligations,
19 a description of national security programs with a
20 direct bearing on questions of adherence to such obli-
21 gations and of steps being taken to ensure adherence,
22 and a compilation of any substantive questions raised
23 during the preceding year and any corrective action
24 taken; and

1 “(6) a detailed assessment of the adherence of
2 other nations to obligations undertaken in all arms
3 control, nonproliferation, and disarmament agree-
4 ments to which the United States is a participating
5 state, including information on actions taken by each
6 nation with regard to the size, structure, and disposi-
7 tion of its military forces in order to comply with
8 arms control, nonproliferation, or disarmament agree-
9 ments, and shall include, in the case of each agree-
10 ment about which compliance questions exist—

11 “(A) a description of each significant issue
12 raised and efforts made and contemplated with
13 the other participating state to seek resolution of
14 the difficulty;

15 “(B) an assessment of damage, if any, to
16 the United States security and other interests;
17 and

18 “(C) recommendations as to any steps that
19 should be considered to redress any damage to
20 United States national security and to reduce
21 compliance problems.

22 “(b) *CLASSIFICATION OF THE REPORT.*—The report
23 required by this section shall be submitted in unclassified
24 form, with classified annexes, as appropriate.

1 “AUTHORIZATION OF APPROPRIATIONS

2 “SEC. 52. (a) AUTHORIZATION OF APPROPRIATIONS.—

3 *To carry out the purposes of this Act, there are authorized*
 4 *to be appropriated—*

5 “(1) \$57,500,000 for fiscal year 1994 and
 6 \$59,375,000 for fiscal year 1995; and

7 “(2) such additional amounts as may be nec-
 8 essary for each fiscal year for which an authorization
 9 of appropriations is provided for in paragraph (1) of
 10 this subsection for increases in salary, pay, retire-
 11 ment, other employee benefits authorized by law, and
 12 other nondiscretionary costs, and to offset adverse
 13 fluctuations in foreign currency exchange rates.

14 “(b) TRANSFER OF FUNDS.—Funds appropriated pur-
 15 suant to this section may be allocated or transferred to any
 16 agency for carrying out the purposes of this Act. Such funds
 17 shall be available for obligation and expenditure in accord-
 18 ance with the authorities of this Act or in accordance with
 19 the authorities governing the activities of the agencies to
 20 which such funds are allocated or transferred.

21 “(c) LIMITATION.—Not more than 12 percent of any
 22 appropriation made pursuant to this Act shall be obligated
 23 or reserved during the last month of the fiscal year.”.

24 (b) EFFECTIVE DATE.—So much of the amendment
 25 made by subsection (a) as inserts section 52 of the Arms

1 *Control and Disarmament Act shall take effect on October*
2 *1, 1993.*

3 **SEC. 17. CONFORMING AMENDMENTS.**

4 *(a) Section 2 (22 U.S.C. 2551) is amended—*

5 *(1) in the second undesignated paragraph, by in-*
6 *serting “, nonproliferation,” after “Arms control”;*
7 *and*

8 *(2) in the second and third undesignated para-*
9 *graphs, by inserting “, nonproliferation,” after “arms*
10 *control” each place it appears.*

11 *(b) Section 28 (22 U.S.C. 2568) is amended—*

12 *(1) in the first sentence, by striking “field of*
13 *arms control and disarmament” and inserting “fields*
14 *of arms control, nonproliferation, and disarmament”;*
15 *and*

16 *(2) in the second sentence, by inserting “, non-*
17 *proliferation,” after “arms control”.*

18 *(c) Section 31 (22 U.S.C. 2571) is amended—*

19 *(1) in the text above paragraph (a), by striking*
20 *“field of arms control and disarmament” each of the*
21 *three places it appears and inserting “fields of arms*
22 *control, nonproliferation, and disarmament”;*

23 *(2) in the first sentence, by inserting “and non-*
24 *proliferation” after disarmament; and*

1 (3) in the fourth sentence, by inserting “, non-
 2 proliferation,” after arms control each of the eight
 3 places it appears.

4 (d) Section 35 (22 U.S.C. 2575) is amended by insert-
 5 ing “, nonproliferation,” after “arms control”.

6 (e) Section 39 (22 U.S.C. 2579) is amended by insert-
 7 ing “, nonproliferation,” after “arms control” each of the
 8 two places it appears.

S 1182 RS——2

S 1182 RS——3

S 1182 RS——4